

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Jones
(Coauthors: Assembly Members Chávez and Lackey)
(Coauthors: Senators Bates, Hall, Leno, Moorlach, and Pan)

May 19, 2015

Assembly Concurrent Resolution No. 76—Relative to the 800th anniversary of Magna Carta.

LEGISLATIVE COUNSEL’S DIGEST

ACR 76, as introduced, Jones. Magna Carta: 800th anniversary.
This measure would commemorate the 800th anniversary of Magna Carta.

Fiscal committee: no.

1 WHEREAS, In response to the accumulation of grievances,
2 heavy taxation, and unsuccessful wars, a group of rebellious barons
3 forced King John of England to agree to limitations on royal power
4 and submit to the rule of law by affixing his seal to a charter of
5 liberties known to posterity as Magna Carta, Latin for the Great
6 Charter, on June 15, 1215, at a meadow beside the river Thames
7 called Runnymede, near Windsor; and
8 WHEREAS, While many of Magna Carta’s 63 clauses relate to
9 specific grievances and long-defunct feudal practices of little
10 contemporary relevance, several of its provisions have had a lasting
11 significance as precedents guaranteeing fundamental rights and
12 liberties; and
13 WHEREAS, Clause 39 of Magna Carta provides, “No freeman
14 shall be taken, or imprisoned, or disseised, or outlawed, or exiled,

1 or in any way harmed - nor will we go upon or send upon him -
2 save by the lawful judgment of his peers or by the law of land”;
3 and

4 WHEREAS, Clause 40 of the Magna Carta provides, “To none
5 will we sell, to none deny or delay, right or justice”; and

6 WHEREAS, Magna Carta embodies the principle that no person,
7 and no government, is above the law; and

8 WHEREAS, The phrase “due process of law” first appeared as
9 a substitute for Magna Carta’s phrase “law of the land” in a 1354
10 statute of King Edward III that restated Magna Carta’s guarantee
11 of liberty of the subject and, therefore, Magna Carta created a
12 precedent in guaranteeing “due process of law” that was later
13 embodied in the Fifth and Fourteenth Amendments to the United
14 States Constitution, the sources of key constitutional liberties for
15 Americans; and

16 WHEREAS, Other clauses of Magna Carta state important
17 principles, such as the right to impartial and competent judges,
18 reasonable taxes, courts held in fixed places, fixed weights and
19 measures, criminal penalties that are proportionate to the
20 seriousness of the crime, and limitations on taking private property
21 for public use; and

22 WHEREAS, King John later repudiated Magna Carta, and a
23 civil war followed, but it was reissued, with revisions, numerous
24 times by subsequent monarchs, and though many provisions fell
25 into disuse or were superseded by subsequent legislation, Magna
26 Carta remains as an inspirational precedent for the proposition that
27 government power is not absolute and that the people possess
28 fundamental rights which government cannot violate; and

29 WHEREAS, Magna Carta is an early milestone along the path
30 toward freedom and constitutional government, followed by the
31 development of Parliament in the 1260s, the 1606 First Charter of
32 Virginia, the 1620 Mayflower Compact and other colonial charters,
33 the 1628 Petition of Right, the 1679 Habeas Corpus Act, and 1689
34 English Bill of Rights, the 1776 American Declaration of
35 Independence, the 1787 United States Constitution, the 1789 United
36 States Bill of Rights, and the 1948 United Nations’ Universal
37 Declaration of Human Rights; and

38 WHEREAS, In a “History of the English-Speaking Peoples”,
39 Winston Churchill summarized Magna Carta’s achievement,
40 stating, “In place of the King’s arbitrary despotism, they proposed,

1 not the withering anarchy of feudal separatism, but a system of
2 checks and balances which would accord the monarchy its
3 necessary strength, but would prevent its perversion by a tyrant or
4 a fool. The leaders of the barons in 1215 groped in the dim light
5 towards a fundamental principle. Government must henceforth
6 mean something more than the arbitrary rule of any man, and
7 custom and the law must stand even above the king. It was this
8 idea, perhaps only half understood, that gave unity and force to
9 the barons' opposition and made the Charter which they now
10 demanded imperishable"; and

11 WHEREAS, In his third inaugural address, delivered on January
12 20, 1941, as continental Europe groaned under the yoke of Nazi
13 tyranny, President Franklin D. Roosevelt said, "Democracy is not
14 dying. ... The democratic aspiration is no mere recent phase in
15 human history. It is human history. It permeated the ancient life
16 of early peoples. It blazed anew in the middle ages. It was written
17 in Magna [Carta]. ... Its vitality was written into our own
18 Mayflower Compact, into the Declaration of Independence, into
19 the Constitution of the United States, into the Gettysburg Address";
20 and

21 WHEREAS, In too many parts of the world, the right to jury
22 trial, habeas corpus, the rule of law, fair legal procedures,
23 reasonable taxation, and the proposition that no government is
24 above the law, principles either enshrined in or foreshadowed by
25 Magna Carta, remain goals yet to be attained, rather than a legacy
26 to be celebrated; and

27 WHEREAS, For as long as people celebrate freedom under law,
28 Magna Carta will remain an inspiring example of a people's ability
29 to resist tyranny and arbitrary government and will remain "the
30 Great Charter" of liberties; now, therefore, be it

31 *Resolved by the Assembly of the State of California, the Senate*
32 *thereof concurring,* That the 800th anniversary of Magna Carta
33 hereby be commemorated and the residents of the State of
34 California be encouraged to observe this important milestone in
35 the history of freedom and development of modern constitutional
36 government; and be it further

- 1 *Resolved by the Assembly of the State of California, the Senate*
- 2 *thereof concurring,* That the Chief Clerk of the Assembly transmit
- 3 copies of this resolution to the author for appropriate distribution.